

Exhibit 4

1 You do solemnly swear that the testimony you shall
2 give in the cause now before this Court shall be the truth, the
3 whole truth, and nothing but the truth, so help you God?

4 THE WITNESS: I do.

5 COURTROOM ADMINISTRATOR: Have a seat.

6 Please state and spell your full name for the record.

7 THE WITNESS: Joel Willis, J-o-e-l-W-i-l-l-i-s.

8 MR. MYHRE: Thank you, Your Honor.

9

10 DIRECT EXAMINATION OF JOEL WILLIS

11 BY MR. MYHRE:

12 Q. Good morning, Agent Willis.

13 A. Good morning.

14 Q. You are currently a special agent with the FBI; is that
15 correct?

16 A. Yes.

17 Q. Where are you -- where are you currently assigned?

18 A. The FBI Las Vegas Field Office.

19 Q. When did you first join the FBI?

20 A. In January of 2004.

21 Q. Were you assigned to an office other than Las Vegas?

22 A. Yes. In May of 2004, I was assigned to the Newark,
23 New Jersey Field Office.

24 Q. When did you make your move to Las Vegas?

25 A. In November of 2009.

1 Q. Have you been assigned as the case agent to the events
2 arising out of Bunkerville, Nevada, on April 12th, 2014?

3 A. Yes.

4 Q. If you could just describe generally for the jury what the
5 duties of a case agent are.

6 A. I oversee all areas of the investigation, including
7 evidence collection, interviews, and documentation.

8 Q. And when were you first assigned as the case agent?

9 A. In -- I became a case agent on this case in May of 2014.

10 Q. So after the events of April 12th?

11 A. Yes.

12 Q. Would you describe briefly for us your training as an FBI
13 agent.

14 A. I attended a 17-week new agent training in Quantico,
15 Virginia before being assigned to the Newark Field Office.
16 Since then, I've attended numerous off-site training courses,
17 including those having to do with social media exploitation
18 and, you know, numerous on-the-job trainings that I've done
19 here and in Newark, New Jersey.

20 Q. Now I want to take you more -- drill down more to your
21 specific assignments with respect to this case.

22 During the course of your assignment to this case,
23 did you do online searches for social media relating to the
24 Bundy ranch event?

25 A. Yes.

1 Q. And give us a sense of how many hours during the course of
2 the investigation you spent doing that.

3 A. Hundreds of hours.

4 Q. You're familiar with the term "open source"?

5 A. Yes.

6 Q. Could you explain for the jury, please, what "open source"
7 means.

8 A. "Open source" generally means something that is open to
9 the public, something that you'd be able to go on, news
10 broadcasts, things that are publicly available through the
11 Internet that we would observe.

12 Q. And, during the course of the investigation, did you have
13 a -- the occasion to obtain a search warrant related to
14 Todd Engel?

15 A. Yes.

16 Q. And was that search warrant related to his Facebook
17 account?

18 A. Yes.

19 Q. Now, before obtaining the search warrant, did you view
20 Mr. Engel's Facebook account?

21 A. Yes, I did.

22 Q. And you viewed -- and these were the public postings, if
23 you will?

24 A. Yes.

25 Q. When you viewed these, you viewed them where?

1 A. On a computer -- log in to a computer or get on a
2 computer, go to a browser, Facebook.com, and Todd Engel's
3 public Facebook page.

4 Q. And, when you looked at the public Facebook page, can you
5 describe generally what you would see?

6 A. I would see pictures about Todd Engel, things about his
7 life, videos that Todd Engel had posted of himself and of other
8 things; things about events in his life, a lot of stuff about
9 him building his cabin and being at his cabin; things like
10 that.

11 Q. When you say "video," this would include images as well as
12 sounds?

13 A. Yes.

14 Q. Did you become familiar with his voice as well?

15 A. Yes.

16 Q. When you obtained the search warrant, did you serve it on
17 Facebook?

18 A. Yes.

19 Q. What did you obtain back from Facebook?

20 A. I obtained approximately a 2,000-page responsive document,
21 official business record from Facebook, and it included general
22 activity; profile information, including Todd Engel's Facebook
23 ID to -- on the first page of the warrant return.

24 Q. So, with respect to the first page, were there -- was
25 there identifying information with respect to Mr. Engel?

1 A. Yes.

2 Q. Did you also receive, at some point in time, a letter of
3 authenticity from Facebook?

4 A. Yes, I did.

5 MR. MYHRE: Your Honor, if we may publish to the
6 witness and the Court and counsel Exhibit 351, Page 10.

7 THE COURT: Yes, you may.

8 BY MR. MYHRE:

9 Q. Do you see what's been marked as 351-10 there,
10 Agent Willis?

11 A. Yes, I do.

12 Q. And what is that?

13 A. That is a letter of authenticity for the Facebook account
14 of Todd Engel.

15 Q. And that relates to the documents that you received back
16 from Facebook?

17 A. Yes.

18 Q. Thank you.

19 MR. MYHRE: Your Honor, we offer 351.

20 THE COURT: Any objection to 351?

21 MR. TANASI: Same continuing objection regarding
22 Facebook from Stewart, Your Honor.

23 MR. MARCHESE: Parker joins.

24 MR. LEVENTHAL: Mr. Drexler joins. Same.

25 PRO SE ENGEL: Engel Jones.

1 MR. PEREZ: Lovelien joins.

2 MR. JACKSON: Burleson joins.

3 THE COURT: All right. Same ruling as before.

4 Exhibit 351, Certificate of Authenticity, is
5 admitted.

6 (Government Exhibit 351 received.)

7 MR. MYHRE: Thank you, Your Honor.

8 BY MR. MYHRE:

9 Q. So, when you received these documents, then did you
10 conduct a search of the documents for documents that were
11 responsive to the search warrant?

12 A. Yes, I did.

13 Q. And did you do that yourself or did you supervise it or a
14 combination of both?

15 A. A combination of both.

16 MR. MYHRE: Now I'd like to, if I may, Your Honor,
17 publish to the Court, counsel, and the witness Exhibit 299.

18 THE COURT: Yes, you may.

19 BY MR. MYHRE:

20 Q. And, Agent, there's also a paper copy of 299 -- off to
21 your left-hand side on the -- right on the desk there in front
22 of you.

23 A. Oh. I'm sorry.

24 Q. And do you -- you have that in front of you now; correct?

25 A. Yes, I do.

1 Q. And what is that?

2 A. This is a mini-feed record from the Facebook-responsive
3 documents for the search warrant of Todd Engel.

4 Q. And this particular exhibit is one page; correct?

5 A. Yes.

6 Q. And at the top it says "Facebook Business Record, Page
7 200"?

8 A. Yes, it does.

9 Q. And there are a couple of messages contained in this
10 document; is that correct?

11 A. Yes.

12 Q. And do they generally relate to the events of Bundy ranch
13 of April 12th, 2014?

14 MR. JACKSON: I object to him leading.

15 MR. MYHRE: Just foundational, Your Honor.

16 THE COURT: Overruled. He may answer the question.

17 THE WITNESS: Yes, they do.

18 MR. MYHRE: Your Honor, we offer Exhibit --
19 Government Exhibit 299.

20 THE COURT: Any other objection to Exhibit 299 other
21 than has been previously ruled?

22 MR. TANASI: Your Honor, with respect to the Facebook
23 post, I'd also add hearsay just to make sure that one was
24 lumped into the continuing objection.

25 THE COURT: All right.

1 MR. JACKSON: I would join in that objection and
2 relevance as to my client.

3 MR. PEREZ: Lovelien joins with Mr. Jackson.

4 MR. MARCHESE: Parker joins.

5 MR. LEVENTHAL: Mr. Drexler joins.

6 PRO SE ENGEL: Engel joins.

7 THE COURT: All right. Same ruling as before.

8 Exhibit 299 will be admitted.

9 (Government Exhibit 299 received.)

10 MR. MYHRE: And may we publish, Your Honor?

11 THE COURT: Yes, you may.

12 BY MR. MYHRE:

13 Q. Agent Willis, to your right now on the monitor, you'll see
14 the exhibit.

15 Is this in chronological or reverse chronological
16 order in terms of the messages here?

17 A. Reverse chronological.

18 Q. Okay. So, starting from the bottom, when was that post
19 there made?

20 A. This post is made at approximately 7:12 a.m. on 4 -- April
21 4 -- I'm sorry -- April 8th, 2014.

22 Q. Now, could you explain the entry where it says "story."

23 A. This is describing what the action or the activity was of
24 Todd Engel on -- or for that Facebook post.

25 Q. So, the document we're looking at now, is this what was

1 publicly viewed or not publicly viewed?

2 A. This is something that was publicly viewed or publicly
3 viewable.

4 Q. Would it have been viewable on his Facebook page or
5 somebody else's Facebook page?

6 A. This was available on someone else's Facebook page. He is
7 commenting on a post made by someone else.

8 Q. And, if you would, read the message there, please.

9 A. "Must watch. They've taken his cattle and then they took
10 his son. If they want war, let it begin here. Oiling bolt.
11 Loading magazines."

12 Q. And the next entry above that was made when?

13 A. That entry was made at 12 -- approximately 12:54 p.m. on
14 April 9th, 2014.

15 Q. And read the line below there, please.

16 A. "Todd Engel shared Nation in Distress' photo."

17 Q. And what is Nation in Distress?

18 A. It is a Facebook page.

19 Q. And is there a message below the story line?

20 A. Yes.

21 Q. And what does that message read?

22 A. "It is in vain, sir, to extenuate the matter. Gentlemen
23 may cry. Peace. Peace squared, but there is no peace. The
24 war is actually begun. The next gale that sweeps from the
25 north will bring to our ears the clash of resounding arms. Our

1 brethren are already in the field why we stand here idle. What
2 is it that gentlemen wish? What would they have? Is life so
3 dear or peace so sweet as to be purchased at the price of
4 chains and slavery? Forbid it, Almighty God. I know not what
5 course others may take but as far -- but, as for me, give me
6 liberty or give me death."

7 Q. Now, this message, was this message available publicly?

8 A. Yes, it was.

9 Q. And would it have been on his Facebook page or another
10 Facebook page?

11 A. This was also -- this was on Nation in Distress' Facebook
12 page. He's commenting to one of their posts.

13 Q. Now, have you been able to locate that comment on the
14 Nation in Distress web page?

15 A. Yes.

16 Q. Or -- excuse me -- Facebook page?

17 A. Yes.

18 MR. MYHRE: If I may call up, Your Honor, for the
19 Court and counsel and the witness, Exhibit 455.

20 THE COURT: Yes.

21 BY MR. MYHRE:

22 Q. Do you see 455, Agent Willis?

23 A. Yes, I do.

24 Q. And what is that?

25 A. This is a screenshot of Nation in Distress' Facebook page.

1 Q. Where did that screenshot come from?

2 A. This came from Facebook, Facebook.com.

3 Q. How was it obtained?

4 A. It was searched for. The search terms were just in
5 Facebook, "Nation in Distress," "Gillespie," and "shame," and
6 those are -- and it came up as a search result and then it was
7 captured off of Facebook.

8 Q. And did you capture that?

9 A. Yes, I did.

10 Q. Moving down to Page 2 of that page -- that exhibit.

11 Excuse me. And do you see the post that is reflected in
12 Exhibit 299 anywhere there?

13 A. Yes.

14 Q. Is that also from the same face -- Nation in Distress
15 Facebook page?

16 A. Yes. This was observable below that post and in the
17 comment section.

18 MR. MYHRE: Your Honor, we offer Exhibit 455.

19 THE COURT: Any other objection to Exhibit 455 not
20 already addressed by the Court?

21 MR. TANASI: None additional from Stewart,
22 Your Honor.

23 MR. MARCHESE: None from Parker.

24 MR. LEVENTHAL: No, Your Honor.

25 PRO SE ENGEL: No, Your Honor.

1 MR. PEREZ: None from Lovelien.

2 MR. JACKSON: No, Your Honor.

3 THE COURT: Thank you.

4 All right. Exhibit 455 will be admitted.

5 (Government Exhibit 455 received.)

6 MR. MYHRE: And may we publish, Your Honor?

7 THE COURT: Yes, you may.

8 BY MR. MYHRE:

9 Q. So, turning to Page 1 there now, Agent Willis, of Exhibit
10 455, would you read the entry from the very top, please.

11 A. Yes.

12 "Share" -- I'm sorry. "Share this. Get the word
13 out. Please call Clark County Sheriff Gillespie and tell him
14 shame on him for not protecting Bundy's ranch; that he works
15 for the people, not Washington, D.C., 702-828-3231. Article
16 and link in the comments below."

17 Q. And does an image appear below that comment?

18 A. Yes, it does.

19 Q. What is depicted in that image based on your knowledge in
20 the investigation -- of the investigation? Excuse me.

21 A. That is an image of the staging area, rally site on State
22 Route 170 in Bunkerville.

23 Q. Are there words written in -- embedded in that image?

24 Excuse me.

25 A. Yes, there is.

1 Q. And what are those words?

2 A. "Operation Mutual Aid. Malitias mobilized to Bundy ranch
3 in Nevada."

4 Q. And do you have an understanding of what Operation Mutual
5 Aid is based on your investigation?

6 A. Yes, I do.

7 Q. And who is affiliated with Operation Mutual Aid?

8 A. Ryan Payne and Jerry Bruckhart.

9 Q. Now the page -- these words that you've just read and the
10 image you just described for us, would this have been available
11 for viewing by Mr. Engel?

12 A. Yes.

13 Q. Now scrolling down to the second page.

14 And is this that comment that you just read from
15 Exhibit 299?

16 A. Yes, it is.

17 Q. And is there any response to that comment?

18 A. Yes.

19 Q. And what is that?

20 A. A Facebook account holder, Todd Styles, comments "Amen."

21 MR. MYHRE: You want to bring that down.

22 If I could ask permission to provide to the witness,
23 the Court, and counsel, Exhibit 298.

24 THE COURT: Yes, you may.

25 BY MR. MYHRE:

1 Q. And do you see Exhibit 298, Agent Willis?

2 A. Yes, I do.

3 Q. Is this a two-page document?

4 A. Yes, it is.

5 Q. What does this purport to be?

6 A. This is, again, mini -- excuse me -- Facebook business
7 records of Todd Engel's mini-feed.

8 Q. And I believe you've touched on it before, but could you
9 just expand a little bit for us. What do you -- what is a
10 mini-feed?

11 A. It's just another way that Facebook organizes some type of
12 activity on your Facebook account. A mini-feed, as "mini"
13 typically appears on, like, the top right of your Facebook page
14 and just documents activity made to your account.

15 Q. And the activity documented in this two-page document,
16 does it relate to events from April 12th, 2014, and before?

17 A. Yes.

18 Q. Are they -- do they purport to be entries made by the
19 account holder for this Facebook account, Todd Engel?

20 A. Yes.

21 MR. MYHRE: Your Honor, we offer Exhibit 298.

22 THE COURT: Any objection to Exhibit 298 other than
23 what's been previously addressed by the Court?

24 MR. TANASI: Nothing additional from Stewart,
25 Your Honor.

1 MR. MARCHESE: None from Parker.

2 MR. LEVENTHAL: Not on behalf of Mr. Drexler.

3 PRO SE ENGEL: None from Engel.

4 MR. PEREZ: None from Lovelien.

5 MR. JACKSON: Nothing additional.

6 THE COURT: All right. Exhibit 298 will be admitted.

7 (Government Exhibit 298 received.)

8 MR. MYHRE: And may we publish, Your Honor?

9 THE COURT: Yes, you may.

10 MR. MYHRE: Thank you, Your Honor.

11 BY MR. MYHRE:

12 Q. And, Agent Willis, does this document also work in reverse
13 chronological order?

14 A. Yes, it does.

15 Q. So turning to Page 2 first, then, from the bottom. What
16 is that entry reflected at -- in the bottom entry?

17 A. On --

18 Q. Well, let's start with this. What is the date and time of
19 that first entry?

20 A. Okay. This was made at approximately 4:57 p.m. on April
21 11th, 2014.

22 Q. And what activity is being reflected there in the story
23 line?

24 A. Todd Engel shared a link.

25 Q. Do you know what that link was or is?

1 A. No.

2 Q. It was not reflected in the documents returned by
3 Facebook?

4 A. No.

5 Q. Is there a message there?

6 A. Yes, it is -- yes, there is.

7 Q. And who would have authored that message?

8 A. Todd Engel.

9 Q. And would you read it to us, please.

10 A. "Strength in numbers."

11 Q. Moving to the next entry up.

12 Date and time, please.

13 A. This entry would have been made at 11:18 a.m. on April 12,
14 2014.

15 Q. Okay. And you're getting the --

16 A. Sorry. Correction. Sorry. 9:18 a.m. on April 12th,
17 2014.

18 Q. And you're coming up with the time how?

19 A. This is that Universal Time Code. So, for local time,
20 currently here in Nevada, you would subtract seven hours.

21 Q. So you're basing the times that you're testifying to based
22 on local Nevada time?

23 A. Yes.

24 Q. And what is the activity reflected here?

25 A. It says, "Todd Engel added a new video."

1 Q. And I take it you do not know what that video was?

2 A. I do not.

3 Q. What is the message?

4 A. "2,000 people on scene. Prayer and pledge has occurred."

5 Q. And the next entry up also shows adding a new video?

6 A. Yes, it does.

7 Q. And the entry above that, is there -- what is the date and
8 time for that entry, please?

9 A. That entry was made at 9:52 a.m. on April 12, 2014.

10 "Todd" -- I'm sorry.

11 Q. No. Go ahead. What activity is reflected there?

12 A. Todd Engel added a new video.

13 Q. What is the message?

14 A. "Sheriff has been given one hour to disarm BLM."

15 Q. And the next entry above that, what is the time of that
16 entry?

17 A. The time is approximately 9:56 a.m. on April 12th, 2014.

18 Q. And what is the activity reflected there?

19 A. Todd Engel added a new video.

20 Q. And what is the message?

21 A. "Praise God."

22 Q. Now, based on your knowledge of the investigation, how do
23 these times correlate with respect to -- let me strike that.

24 Let me start first. Based on your knowledge of the
25 investigation and the investigation that you've conducted, have

1 you been able to ascertain a time that Cliven Bundy met with
2 Sheriff Gillespie on the stage in Bunkerville on April 12,
3 2014?

4 A. Yes.

5 Q. What was that time?

6 A. Approximately 9:30 a.m. 9:00 to 9:30 a.m.

7 Q. And were you able to ascertain a time when Mr. Bundy made
8 a speech where he said words to the effect of "go get my
9 cattle"?

10 A. Yes.

11 Q. And approximately when was that made?

12 A. That was just before 11:00 a.m. About 10:58 a.m. or
13 approximately.

14 Q. And where do these posts relate with respect to those two
15 events?

16 A. These would have taken place in between those two events.

17 Q. So these -- these messages here would have occurred
18 between the time that Mr. Bundy spoke -- Cliven Bundy spoke
19 with the sheriff on the stage and the time he asked for
20 people -- told people to get his cattle?

21 A. Yes.

22 Q. Moving up to the next entry. What is the time of that
23 entry?

24 A. At approximately 11:05 a.m. on April 12, 2014.

25 Q. And what is the activity listed there?

1 A. Todd Engel updated his status.

2 Q. Now, what does it mean to update status?

3 A. When you log on to a Facebook page, your personal wall or
4 timeline, there's a box at the top of the page that says that
5 you can, you know, put something that's updating your status.
6 You can type in text there and post it to your wall.

7 Q. So this -- the message that we're about to address here
8 would have been posted to his wall?

9 A. Yes.

10 Q. And would that -- and that depends on the privacy
11 settings, but that's viewable by anybody?

12 A. Yeah. Depending on his privacy settings.

13 Q. And if you would read the message there, please.

14 A. "Heading out to block freeway and take cows back."

15 Q. And when did this message occur in relation to Mr. Cliven
16 Bundy's speech to get the cattle?

17 A. Minutes after Cliven Bundy's speech to get the cattle.

18 Q. Is there another entry above that?

19 A. Yes, there is.

20 Q. What is the time for that?

21 A. At 11:17 a.m. on April 12, 2014.

22 Q. So that's about 12 minutes later?

23 A. Yes.

24 Q. And what is the activity?

25 A. Todd Engel added a new video.

1 Q. And when you say "added a video," do you know what the
2 video was?

3 A. I do not.

4 Q. Do you know where the video would have -- would the video
5 have appeared on his Facebook page?

6 A. Yes, it would have.

7 Q. And was there a message associated with that video?

8 A. Yes, there was.

9 Q. And what is the message?

10 A. "Leaving now to shut down the freeway" -- I'm sorry.
11 "Leaving now to shut the freeway down by force of arms."

12 Q. And is there another entry above that and after this in
13 time?

14 A. Yes.

15 Q. When was this entry made?

16 A. At 12:04 p.m.

17 Q. On?

18 A. I'm sorry. On April 12th, 2014.

19 Q. And what is the activity listed here?

20 A. Todd Engel added a new video.

21 Q. Now, through your investigation, as well as your
22 information that you've gleaned from the investigation,
23 approximately what time did the horses come through underneath
24 the northbound bridge and form a line across the bottom of the
25 wash?

1 A. At approximately 11:58 a.m.

2 Q. Was this message before or after that, at least according
3 to the times indicated in this exhibit?

4 A. After.

5 Q. And what is the message?

6 A. "Armed standoff."

7 Q. Now, is it possible to post messages such as this, and
8 those that we've read, when you're not sitting in front of a
9 computer?

10 A. Yes, there -- yes, it is.

11 Q. How -- how could they be posted?

12 A. On a smartphone, a mobile phone.

13 Q. Can -- just in general terms, someone can access a
14 Facebook page from a smartphone?

15 A. Yes.

16 Q. If you could turn to the first page, please.

17 And starting with the entry at the bottom of that
18 page, is this entry later in time than the entry we just read?

19 A. Yes.

20 Q. And what time is reflected under the -- on the timeline?

21 A. At approximately 4:01 p.m. on April 12th, 2014.

22 Q. And that would be, again, local Nevada time; correct?

23 A. Yes.

24 Q. Do you recall, based upon your investigation and your
25 knowledge of the investigation, approximately what time the

1 cattle were released?

2 A. Approximately 2:30 to 2:45 p.m. local time.

3 Q. Approximately what time did the BLM leave the ICP?

4 MR. LEVENTHAL: Objection. Leading and foundation.

5 MR. MYHRE: I just asked him what time.

6 THE COURT: Overruled. He just asked what time. He
7 can answer the question if he knows.

8 THE WITNESS: Approximately 2:00 p.m.

9 BY MR. MYHRE:

10 Q. So did this entry occur before or after those events?

11 A. After.

12 Q. And what is the activity reflected here?

13 A. Todd Engel updated his status.

14 Q. And what is the message?

15 A. "BLM lost and has backed down due to overwhelming force of
16 the people and our arms. We win. Cattle being released as we
17 speak. If they don't, trouble will start" -- "again." It
18 continues onto the next page. I'm sorry.

19 Q. Yes. It continues onto Page 2.

20 A. "If they don't, trouble will start again. It was very,
21 very close to an exchange of gunfire. We rushed their
22 barricades with armed people and cowboys on horseback. Crazy."

23 Q. Now, is there an entry later in time that is above this
24 entry?

25 A. Yes.

1 Q. When was this entry made?

2 A. This entry was made at approximately 3:22 p.m. on April
3 12, 2014.

4 Q. What is the activity reflected there?

5 A. Todd Engel added a new video.

6 Q. Were you able to ascertain what that video was?

7 A. Yes.

8 Q. And what was the message there?

9 A. "We win."

10 Q. And is there a -- another message above that?

11 A. Yes.

12 Q. And what is the time of that?

13 A. At approximately 4:30 p.m. on April 12th, 2014.

14 Q. And what is the status reflected?

15 A. Todd Engel added a new video.

16 Q. And are you aware of that video?

17 A. Yes.

18 Q. What is the message?

19 A. "Pardon the language."

20 Q. I'm going to turn your attention to Exhibit 304, please.

21 MR. MHYRE: If I may present it to the witness, the
22 Court, and counsel?

23 THE COURT: Yes.

24 MR. MYHRE: If you could -- that's fine. Thank you.

25 BY MR. MYHRE:

1 Q. Do you recognize 304?

2 A. Yes, I do.

3 Q. Have you reviewed that and viewed it outside of the
4 courtroom?

5 A. Yes.

6 Q. Have you viewed it more than once?

7 A. Yes.

8 Q. And what -- what is depicted in Exhibit 304?

9 A. These are BLM and National Park Service leaving the
10 direction of where Post 1 at the BLM ICP was located and
11 continuing across southbound I-15 across a median and onto
12 northbound I-15.

13 Q. And the images that are captured there, did you capture
14 those images?

15 A. Yes, I did.

16 Q. How did you capture them?

17 A. I went onto Facebook and downloaded the video.

18 Q. And what --

19 A. I'm sorry. On the Facebook account for the user
20 Todd Engel and downloaded that video.

21 Q. So you recognize this video as associated with the
22 Todd Engel Facebook?

23 A. Yes, I do.

24 Q. Were you able to listen to the audio portion of this
25 video?

1 A. Yes, I was.

2 Q. And did you recognize the voice on that video?

3 A. Yes, I did.

4 Q. And whose voice is it?

5 A. Todd Engel.

6 Q. How do you recognize that voice?

7 A. I had reviewed numerous videos on his -- on Todd Engel's
8 Facebook page and compared it to the voice in this video and
9 determined that this is the voice of Todd Engel on this video.

10 Q. And in this video -- you briefly touched upon it -- but
11 what, in general terms, does it depict?

12 A. It depicts vehicles traveling on the northbound I-15
13 leaving the area of the BLM ICP.

14 Q. And are those -- can you identify those vehicles or the
15 types of vehicles?

16 A. I can identify some of them by the emblems on the side.

17 Q. And what are those emblems?

18 A. Including a BLM emblem and also National Park Services
19 emblems.

20 Q. And is this the events after BLM -- as BLM was leaving the
21 ICP?

22 A. Yes.

23 Q. Now, does this -- does this video contain foul language?

24 A. Yes, it does.

25 Q. But does it relate to the vehicles leaving the -- leaving

1 the ICP?

2 A. Yes.

3 MR. MYHRE: Your Honor, we did not have an
4 opportunity to play this for the Court beforehand. We don't
5 believe it's objectionable, but we would -- before we play it,
6 we would offer it at this time.

7 THE COURT: Has 304 already been previously admitted?

8 MR. MYHRE: No, Your Honor. It was identified
9 previously by another witness, but this has not been previously
10 admitted.

11 THE COURT: All right. Any objection to the
12 admission of Exhibit 304?

13 MR. TANASI: Hearsay, Your Honor. Stewart.

14 MR. MARCHESE: Parker joins.

15 THE COURT: Mr. Leventhal?

16 MR. LEVENTHAL: Relevancy.

17 PRO SE ENGEL: Engel joins.

18 MR. PEREZ: I'd join in that as well, Your Honor.

19 MR. JACKSON: I'd join on grounds of hearsay and
20 relevance.

21 THE COURT: Mr. Myhre, is this . . .

22 MR. MYHRE: It's not offered for the truth of the
23 matter asserted, Your Honor. It's offered as direct evidence
24 of Mr. Engel's intent that day with respect to his animosity
25 toward the vehicles or the individuals in the vehicles leaving

1 the ICP.

2 THE COURT: All right. It will be admitted.

3 MR. JACKSON: I object on the grounds it's more
4 probative -- or more prejudicial than probative.

5 MR. TANASI: Stewart joins, Your Honor.

6 MR. MARCHESE: Parker joins.

7 MR. PEREZ: Lovelien joins in that as well,
8 Your Honor.

9 THE COURT: All right. The Court does not find that
10 it's . . . probative value is outweighed by any prejudicial
11 effect. So Exhibit 304 will be admitted.

12 (Government Exhibit 304 received.)

13 MR. MYHRE: And may we publish, Your Honor?

14 THE COURT: Yes, you may.

15 (Video played.)

16 MR. MYHRE: If you could stop the video there,
17 please.

18 BY MR. MYHRE:

19 Q. Agent Willis, circling for you this area here
20 (indicating), what -- based on your investigation, what do you
21 know that area to be?

22 A. That is a gravel turnaround median area in between the
23 northbound and southbound I-15 near Bunkerville.

24 Q. And do you recognize the area over here (indicating) that
25 I'm circling, based on your investigation?

1 A. Yes.

2 Q. What is that area?

3 A. That is the entrance to the BLM ICP, also known as Post 1.

4 Q. And this (indicating) is what you described as the
5 northbound lane?

6 A. Yes.

7 MR. MYHRE: If you would continue the video, please.

8 (Video played.)

9 MR. MYHRE: And the record should reflect that the
10 video is played.

11 BY MR. MYHRE:

12 Q. Agent Willis, the voice associated with the foul language,
13 did you recognize that voice?

14 A. Yes.

15 Q. And whose voice was that?

16 A. Todd Engel.

17 Q. And you heard the words -- did you hear the words "we win"
18 during the course of that video?

19 A. Yes.

20 Q. And did you associate the voice with those words?

21 A. Yes.

22 Q. And belonging to who?

23 A. Todd Engel.

24 Q. After viewing the video, the vehicles appeared to come
25 from where?

1 A. From the BLM ICP and the area of Post 1.

2 Q. And did you recognize any of those vehicles?

3 A. I recognized them as BLM and NPS vehicles.

4 MR. MYHRE: If I could, Your Honor, ask that the --
5 we publish to the witness, the Court, and counsel, Exhibit 297.

6 THE COURT: Yes, you may.

7 BY MR. MYHRE:

8 Q. And do you have 297 in front of you?

9 A. Yes.

10 Q. And is this a three-page document?

11 A. Yes, it is.

12 Q. As with the other exhibits, is this a Facebook record,
13 business record, from the account associated with Todd Engel?

14 A. Yes.

15 Q. Does this reflect entries made on his Facebook page or on
16 other Facebook pages?

17 A. Yes.

18 Q. And is this in reverse chronological order?

19 A. Yes, it is.

20 Q. And do the entries contained herein relate to the events
21 of April 12, 2014?

22 A. Yes, they do.

23 MR. MYHRE: Your Honor, we offer Exhibit 297.

24 THE COURT: I didn't hear you ask if this was from
25 the search warrant return, received from the search warrant

1 return.

2 MR. MYHRE: Oh, I'm sorry, Your Honor.

3 BY MR. MYHRE:

4 Q. Was this document received within the search warrant
5 return?

6 A. Yes.

7 Q. And it was recovered during your search of the Facebook
8 records?

9 A. Yes, it was.

10 THE COURT: All right. Any objection to Exhibit 297,
11 other than what's been previously addressed?

12 MR. TANASI: Nothing continuing -- or nothing
13 additional, Your Honor.

14 MR. MARCHESE: No new objection.

15 MR. LEVENTHAL: Nothing more on behalf of
16 Mr. Drexler.

17 PRO SE ENGEL: No, Your Honor.

18 MR. PEREZ: Nothing on behalf of Mr. Lovelien.

19 MR. JACKSON: Nothing additional.

20 THE COURT: All right. Exhibit 297 will be admitted.
21 (Government Exhibit 297 received.)

22 MR. MYHRE: Thank you, Your Honor.

23 May we publish?

24 THE COURT: Yes, you may.

25 MR. MYHRE: And if we could turn to Page 3 of that

1 document.

2 BY MR. MYHRE:

3 Q. Of these entries, is this -- excuse me -- or the entries
4 appearing in 297, is this the earliest entry?

5 A. Yes, it is.

6 Q. What is the date and time, please?

7 A. Approximately 7:58 a.m. on April 16, 2014.

8 Q. And is that before or after the events of April 12?

9 A. After.

10 Q. What is the activity reflected here?

11 A. Todd Engel shared a link.

12 Q. And what is the message associated with that activity?

13 A. "The Bundys are recommending everybody watch this video.
14 It will shed light on what's really happening."

15 Q. And were you able to locate that video?

16 A. No, I was not.

17 Q. Turning to the entry above that, what is the activity
18 reflected there?

19 A. That activity is dated at 8 -- approximately 8:00 a.m. on
20 April 16, 2014. The story is "Todd Engel shared Bundy ranch's
21 photo."

22 Q. And were you able to recover that photo?

23 A. No, I was not.

24 Q. What is the message associated with that photo?

25 A. "Nice."

1 Q. Turning to the entry above that, what is the date and time
2 for that entry?

3 A. The -- the date and time is 9:19 a.m. on April 19, 2014,
4 and the story is "Todd Engel likes Bundy ranch rallies and
5 support group."

6 Q. And we've covered this before, but what does it mean to
7 "like" on Facebook?

8 A. It -- it's a way of interacting with a post to show
9 you're -- whether or not you like it without actually posting
10 any type of text.

11 Q. And are you able to tell what was posted that indicated a
12 "like"?

13 A. No.

14 Q. But was it something associated with Bundy ranch?

15 A. Yes.

16 Q. And what was that?

17 A. The -- the Bundy ranch rallies and support group Facebook
18 page.

19 Q. Now turning to Page 2 of this document, there appears to
20 be a long entry here. Could you give us first the date and
21 time of this entry?

22 A. Approximately 11:00 a.m. on April 20th, 2014.

23 Q. What is the activity reflected here?

24 A. Todd Engel updated his status.

25 Q. And, as an updated status, where would the entry below

1 this appear?

2 A. Depending on his privacy settings -- depending on the
3 privacy settings of his Facebook page, on his timeline or wall.

4 Q. Now, this entry is lengthy. Does it continue to the entry
5 above the one posted here that we've just addressed?

6 A. Yes, it does.

7 Q. And then does it continue even beyond that up into the --
8 into the first page?

9 A. Yes, it does.

10 Q. So we'll take them one at a time. So why don't we start
11 with the entry you just read of April 20th, 2014.

12 A. Okay.

13 "Overview.

14 "I began watching the Bundy situation on Sunday, the
15 6th, and continued to monitor it the first part of the week and
16 evaluate its legality from both sides. We decided by Tuesday
17 that the BLM was once again being heavy-handed tyrants and
18 Wednesday, when they threw a 57-year-old cancer survivor and
19 mother of 11 to the ground, then Tased and sic-ed an attack dog
20 on Ammon, that was it. I prepped the truck on Thursday, threw
21 the gear required to live in the desert and fight a guerilla
22 war in the vehicle, and left early Friday morning. A friend
23 came with me to help with the driving so we could make it
24 non-stop. It was very difficult to get any real facts as to
25 what was going on on the ground and try to calculate the danger

1 we were going into. There were reports of roadblocks,
2 searches, seizure of weapons, and detainment of malitia. We
3 drove all night and at about 1:00 a.m. I found a conference
4 call that had about 400 people on it trying to weed out facts
5 from rumor. When we got into Mesquite, I was finally able to
6 get in contact with someone at the ranch. His name was Kevin.
7 Thanks, Kevin. And he let me know to get there ASAP. We
8 pulled in at a quarter to 9:00, parked, and went to the rally
9 which started at 9:00 a.m. Most of you know what happened at
10 the rally. YouTube. But I'll do a recap. We prayed, said the
11 Pledge of Allegiance, and sang the National Anthem. A very
12 moving -- all very moving considering the tense situation we
13 were facing. After that, the sheriff got up on stage and said
14 the BLM would cease operations. It wasn't good enough for the
15 crowd or Mr. Bundy and demands were placed on the sheriff by
16 Mr. Bundy and one of the demands was to disarm the BLM, put the
17 guns in the back of a pickup, and park it under the flag. The
18 sheriff looked as though two quarts of blood had been drained
19 from his body and he walked off stage and left. I was 15 feet
20 away from him and I'll never forget the look on his face. We
21 waited over an hour and when the sheriff hadn't returned,
22 Mr. Bundy got . . . on the mic and looked up at the 40 or so
23 men on horseback and said, 'Get your guns, cowboys. Let's go
24 get our cows.'

25 Q. Is that in quotations?

1 A. Yes, it is.

2 Q. Continue please.

3 A. "It was an unforgettable sight to see them riding off that
4 hill, dust rolling and flags flying. I'll never forget it. At
5 that point the crowd headed for their vehicles and a convoy of
6 over a hundred cars and trucks headed towards the BLM compound
7 with a lot of pissed off patriots. After 3 miles we got on
8 I-15 northbound and headed straight at the compound. When I
9 pulled up, I couldn't get my truck up to the confrontation so I
10 looked at my buddy and asked him, 'You got my truck?' --
11 that's in quotations, "You got my truck?" -- "and I bailed and
12 ran down the freeway. When I got there, it was general chaos.
13 Vehicles trying to get in to park. Freeway completely shut
14 down. Cops everywhere. Planes circling overhead. Sirens
15 blaring. People with guns looking for a fight. Me looking for
16 enemy positions the whole time, and a drone over us. Chaos."

17 Q. Does that continue onto the second page?

18 A. Yes, it does.

19 "After about 10 minutes, six or [sic] Metro PD
20 officers came across the highway and had a talk with on [sic]
21 of the Bundy sons. It wasn't what the crowd wanted to hear and
22 lots of people got even more angry, as if that was possible."

23 Q. Does this message continue to the entry above this one
24 (indicating)?

25 A. Yes, it does.

1 Q. What is the date and time of that entry, please?

2 A. That is 11:15 a.m. on April 20th, 2014.

3 Q. And the activity associated with the entry?

4 A. Todd Engel updated his status.

5 Q. And does this message -- and does this message appear
6 below the story line?

7 A. Yes.

8 Q. If you would read that message, please.

9 A. "We were looking at an observation post that BLM had set
10 up on a plateau about two miles distant and everyone was
11 concerned about them being snipers and I reassured them that
12 they may be snipers, but unless they had 20 millimeter canons,
13 we were safe. It was too far for a .50 and too windy for any
14 real accuracy. Just then someone came running up and said
15 they -- BLM -- were pointing guns at the people under the
16 bridge and 200 people ran down the middle of the freeway --
17 mind you, with guns. Crazy to watch as I was with them -- and
18 got down there in time to see that brave or crazy reporter
19 walking towards the BLM barriers as the BLM kept yelling at him
20 to back up. One man against an Army. It reminded me of
21 Tiananmen Square. Crazy, I say. About then, the cowboys on
22 horseback and about 150 people come out from under the bridge
23 and I thought, 'Oh, S*+t. It's getting frosty now.' They
24 moved up to about the halfway point, the whole time the BLM
25 yelling at them to back off, that they had a lawful court order

1 and that they would fire."

2 Q. And that entry you just read you referred to ".50." Do
3 you have an understanding what that references?

4 A. They're referring to a .50 caliber rifle.

5 Q. And the reference being that it was too far from what
6 area?

7 A. From the plateau that they were observing.

8 Q. Now, does this entry continue onto the first page at a
9 later-in-time entry?

10 A. Yes, it does.

11 Q. And what is that -- the time of that entry?

12 A. 11:47 a.m. on April 20th, 2014.

13 Q. What is the activity associated with that entry?

14 A. Todd Engel updated his status.

15 Q. Is there a message that appears below that update?

16 A. Yes.

17 Q. Would you please read that message.

18 A. "I was up on the northbound lane and had a great view of
19 the standoff. For about an hour it was a Mexican standoff. No
20 one moving forward and no one retreating. Pretty tense. As
21 this was occurring, I had my friend and another patriot
22 observing BLM gun locations with binoculars and they were able
23 to find two, both pointing their fingers in weapons at me. The
24 gentleman that was working the other binos said I was target
25 Number 1. So with that information I moved down the freeway to

1 the south to get out of their line of fire. I then walked up
2 to two Nevada state troopers and told them about the sniper
3 teams, gave them a description of the vehicles that they were
4 using as hides, and asked, or told, him to get those guns off
5 us. He got on his cell phone and within a few minutes the
6 sniper teams pulled their weapons down but continued to observe
7 through binos. A little while later a Metro PD officer pulled
8 up to us and one of the" -- "pulled up to us and one of the
9 Bundy boys and we were talking to him when I looked down into
10 the arroyo and saw the people and cowboys moving towards the
11 barricades. This is when it almost went bad. I saw the BLM
12 shooters move from the back of their vehicles and stack along
13 the side of one of their trucks. At that point I began
14 screaming at the officer in his vehicle to tell them 'stand
15 down.' I yelled the same thing to the BLM as loud as I could
16 and to the officer multiple times. The officer got on his
17 phone and drove away quickly. This was the moment that it
18 almost went hot. Very tense. Obviously the BLM backed off and
19 no shots were fired. Thank God. At this point the BLM backed
20 off about 40 yards and took up positions behind their vehicles
21 and continued to observe through binoculars as negotiations
22 were ongoing at the barricade/fencing. During these
23 negotiations I had got the binos from my friend and began to
24 search for BLM gun positions. They had vehicles off to our
25 10 o'clock but we didn't see any rifles, just" --

1 Q. Does the message continue onto the second page?

2 A. Yes.

3 Q. Turning to the second page, does that message continue
4 from the top?

5 A. Yes, it does.

6 Q. Please continue reading.

7 A. -- "agents hiding behind their engine blocks. There was a
8 dark gray Silverado down on the left with about four guys
9 leaning all around it with binos looking at us when I noticed a
10 guy with the driver's side open and the front passenger door
11 open and I thought, it would be" -- "it would be an awkward
12 position to use binos from . . ."

13 Q. Does that message then continue to the entry later in time
14 but above this entry?

15 A. Yes, it does.

16 Q. What is the date and time of that entry?

17 A. This is approximately 11:56 a.m. on April 20th, 2014.

18 Q. What does the status indicate?

19 A. Todd Engel updated his status.

20 Q. Is there a message below the status line?

21 A. Yes, there is.

22 Q. Would you continue reading that message.

23 A. " . . . I continued to observe him and then he moved and I
24 could see a scoped rifle leaning over the seat, the outside
25 desert being very bright behind him and the inside of the

1 vehicle dark. It was very evident as to what it was. So I
2 walked back to the troopers and told to get F*--*g rifle off
3 of me and I described it [sic] location. The officer
4 immediately got on his phone to the Metro officer that was
5 parked at the barricade and had him back his cruiser up to the
6 Silverado, but he went too far and we had to bring him back to
7 the right vehicle. He rolled his passenger side window down
8 and I don't know what he said, but the BLM didn't like it. At
9 that point they all turned around, disgusted, and walked away."

10 Q. Does this message continue to the entry later in time but
11 above this entry?

12 A. Yes.

13 Q. What is the date and time of that entry?

14 A. 12 -- approximately 12:01 p.m. on April 20th, 2014.

15 Q. What is the activity indicated?

16 A. Todd Engel updated his status.

17 Q. Does a message appear below that activity?

18 A. Yes.

19 Q. Continue reading the message, please.

20 A. "After that, I thanked the two troopers that I had worked
21 with the last few hours and think they were more thankful to us
22 for showing up and doing what we did than anybody realizes and
23 they had actually told me that earlier. You know the rest. We
24 gave the BLM our favorite finger salute and off they went,
25 filming, saluting, and waving at us. Pricks."

1 Q. And is that the final entry in Exhibit 297?

2 A. Yes.

3 MR. MYHRE: And, Your Honor, may we present to the
4 witness, Court, and counsel what's been marked as Exhibit 302?

5 THE COURT: Yes, you may.

6 BY MR. MYHRE:

7 Q. And do you have Exhibit 302 before you?

8 A. Yes, I do.

9 Q. Is this a one-page document?

10 A. Yes, it is.

11 Q. Is this a Facebook business record pertaining to the
12 account of Todd -- Facebook account of Todd Engel?

13 A. Yes.

14 Q. Was this obtained pursuant to the search warrant you
15 served on Facebook?

16 A. Yes.

17 Q. And was this a document recovered during the search of
18 that Facebook return?

19 A. Yes, it was.

20 Q. And do the entries here relate to the events of April 12,
21 2014?

22 A. Yes, they do.

23 MR. MYHRE: Your Honor, we'd offer Exhibit 302.

24 THE COURT: Any other objection to Exhibit 302 other
25 than what's already been addressed by the Court?

1 MR. TANASI: Nothing additional Stewart, Your Honor.

2 MR. MARCHESE: No, Your Honor.

3 MR. LEVENTHAL: Nothing further, Your Honor. Thank
4 you.

5 PRO SE ENGEL: No, Your Honor.

6 MR. PEREZ: No, Your Honor.

7 MR. JACKSON: Same objections as before.

8 THE COURT: All right. Exhibit 302 will be admitted.
9 (Government Exhibit 302 received.)

10 MR. MYHRE: And may we publish, Your Honor?

11 THE COURT: Yes, you may.

12 BY MR. MYHRE:

13 Q. And, Agent Willis, this record that we now have that the
14 jury is now seeing, is this different than the other documents
15 we looked at?

16 A. Yes, it is.

17 Q. And how is this -- does this differ?

18 A. Well, it's organized a little bit differently and that's
19 because this is from the activity log record from the Facebook
20 search warrant return from Facebook.

21 Q. And are there entries that are reflected in the activity
22 log that are not necessarily reflected in the mini-feed?

23 A. Yes.

24 Q. Is -- are we seeing entries here that did not appear in
25 the mini-feed?

1 A. Yes.

2 Q. And does this document proceed in reverse chronological
3 order or chronological order?

4 A. Reverse chronological order.

5 Q. So, going to the earliest entry, is that the bottom entry
6 of 4-11-2014?

7 A. Yes, it is.

8 Q. So we just finished entries. Now we're moving sort of
9 back in time, if you will?

10 A. Yes.

11 Q. What is the time of the 4-11 entry?

12 A. This would be at approximately 7:42 p.m. on April 10th,
13 2014.

14 Q. So this would have appeared on the Facebook page on April
15 the 10th?

16 A. Yes.

17 Q. What type of activity is reflected here?

18 A. It's comments.

19 Q. Is there anything particular the comment -- the comment is
20 being made to?

21 A. Yes. Todd Engel commented on a photo.

22 "I'll be on scene Saturday morning. Will post sit
23 rep (CHECK THIS) ASAP. We need prayer and support, be it
24 material or financial. God speed. Molon labe."

25 Q. Could you spell those last two words, please.

1 A. M-o-l-o-n and the second word is l-a-b-e.

2 Q. Do you have an understanding of what that means?

3 A. It's a Greek --

4 MR. JACKSON: Objection. Calls for a conclusion.

5 MR. MYHRE: Just -- if I may just lay further
6 foundation.

7 THE COURT: Go ahead.

8 BY MR. MYHRE:

9 Q. Just based on your investigation and training and
10 experience, is there any particular significance attached to
11 those words?

12 A. Yes. It means "come and take" or "come and take them."
13 It has to do with . . . gun rights and the -- your Second
14 Amendment right to possess firearms.

15 Q. Now, with respect to the photo, do you have a -- were you
16 able to obtain the photo that's being commented upon?

17 A. No, I did not.

18 Q. You read, "I'll be on the scene Saturday morning." What
19 day of the week did April 12 occur on?

20 A. Saturday.

21 Q. Did you have -- from your investigation, do you have
22 knowledge of where Mr. Engel was residing at or around the time
23 of this post?

24 A. He either traveled to Bunkerville from Idaho or Montana.

25 Q. Why do you say either-or?

1 A. Because his -- we do have records of him claiming to
2 reside in Montana, but his DMV records, everything else that we
3 have has him as a Idaho resident, including where he claims his
4 cabin was located on his Facebook page.

5 Q. On the second line of the entry, you read "ASAP." What's
6 your understanding of what that stands for?

7 A. "As soon as possible."

8 Q. Now, is there an entry above that that appears later in
9 time?

10 A. Yes.

11 Q. When was this entry made?

12 A. At approximately 7:50 a.m. on April 11, 2014.

13 Q. What type of activity is reflected here?

14 A. It's comments.

15 Q. Who is the author of the comment?

16 A. Todd Engel. Todd Engel who commented on a photo.

17 Q. And what is the comment?

18 A. "I'm 20 miles from Ruby Ridge. Truck loaded and heading
19 to Nevada. Pray for peace. Prepare for war."

20 Q. Is there an entry that occurs later in time above that?

21 A. Yes.

22 Q. What is the time of that entry?

23 A. At approximately 4:02 p.m. on April 11th, 2014.

24 Q. What type of activity is reflected?

25 A. It's a comment where Todd Engel is commenting on a link.

1 Q. Do you have that link or were you able to obtain that link
2 in the course of your investigation?

3 A. No, I was not.

4 Q. How is the comment reflected there?

5 A. "Cell towers might have been taken off line."

6 Q. I'm sorry. I asked a bad question.

7 Is there a little quotation surrounding the comment?

8 A. Yes, there is.

9 Q. Who would be the author of that comment?

10 A. Todd Engel.

11 Q. Okay. If you could read the comment again, please.

12 A. "Cell towers might have been taken off line."

13 MR. JACKSON: I'm going to object to the relevance of
14 the comment and ask that it be stricken. We don't even have
15 the link to connect the two. It's speculation as to what the
16 comment means.

17 MR. MYHRE: I haven't asked him --

18 THE COURT: Not offered for the truth of the matter
19 asserted; right?

20 MR. MYHRE: This particular one?

21 THE COURT: Yeah.

22 MR. MYHRE: Your Honor, this is all offered under
23 801(d)(2)(E). He's commenting during his trip --

24 MR. JACKSON: Well, I'm objecting to Mr. Myhre
25 testifying at this time. Right now this --

1 THE COURT: He's not testifying. He's responding to
2 your objection.

3 MR. JACKSON: Well . . .

4 MR. MYHRE: Again, Your Honor, these are offered
5 under 801(d)(2)(E). He's documenting -- we believe, that the
6 context of this shows that he's documenting his travel.

7 THE COURT: That's right. Objection overruled.

8 BY MR. MYHRE:

9 Q. And is there an entry that appears later in time but above
10 that entry?

11 A. Yes.

12 Q. When is that entry made?

13 A. At approximately 4:07 p.m. on April 11, 2014.

14 Q. What type of activity is reflected?

15 A. It's a comment. Comments.

16 Q. Is the comment reflected in this entry?

17 A. Yes.

18 Q. And what is the -- first of all, what does the comment
19 relate to?

20 A. It's Todd Engel commented on a post.

21 Q. And what is the comment?

22 A. In single quotation marks it is, I'll be boots on the
23 ground at 4:00 a.m.

24 Q. Do you have a general understanding of what the term
25 "boots on the ground" means?

1 A. Yes.

2 Q. What does that mean?

3 MR. LEVENTHAL: Objection. Hearsay.

4 MR. TANASI: Stewart joins.

5 MR. MARCHESE: Parker joins.

6 PRO SE ENGEL: Engel joins.

7 MR. PEREZ: Lovelien joins.

8 MR. JACKSON: Objection. It's the kind of comment
9 the jury can determine what it means. We don't need his
10 opinion on what it means. It calls for opinion testimony. The
11 words speak for themselves.

12 MR. MYHRE: Just asking the witness based on his
13 training and experience and his investigation if that has
14 meaning in this context.

15 THE COURT: Objection overruled. He may answer the
16 question.

17 BY MR. MYHRE:

18 Q. Based on your training and experience and your
19 investigation, do you ascribe a certain meaning to those words,
20 "boots on the ground"?

21 A. Yes.

22 MR. LEVENTHAL: Objection. Foundation.

23 THE COURT: Mr. Myhre?

24 MR. MYHRE: Well, Your Honor, we're laying the
25 foundation for his understanding of those words, based on his

1 training and experience, and his knowledge of the
2 investigation.

3 THE COURT: All right.

4 MR. LEVENTHAL: Your Honor, foundationally, I don't
5 know where he's learning this from and that's --

6 THE COURT: Right. That's the objection, is what
7 is --

8 MR. LEVENTHAL: -- the foundation part of it. We're
9 getting right to the statement.

10 THE COURT: Right. I understand you're saying it's
11 training and experience, but what training, what experience
12 leads him to believe he knows what "boots on the ground" means?

13 BY MR. MYHRE:

14 Q. Have you seen these words in other contexts?

15 A. Yes.

16 Q. And in what contexts have you seen words like this or
17 these words, "boots on the ground"?

18 A. During the course of my FBI tactical training that I've
19 received over the years.

20 Q. And what type of training -- it was tactical training.
21 Give us just a general sense of what that involved.

22 A. That would be use of firearms, training with firearms,
23 training to effect arrests, search warrants, also to be ready
24 to respond as a team if -- if we were called upon on short
25 notice to respond to a location.

1 Q. So, in your training as well as in your experience as an
2 agent, have you used -- have you heard the term "boots on the
3 ground" used?

4 A. Yes, I have.

5 Q. In what context?

6 A. On a -- a -- I was on a hazardous materials response team
7 that was a tactical team in Newark, New Jersey, and we would be
8 on --

9 Q. But that's -- that's fine.

10 A. -- call-out notice.

11 MR. LEVENTHAL: Then I'm going to object as to
12 relevance. Relevance as to -- and same objection as to
13 foundation, as well as hearsay. But what his training and
14 experience in Newark, New Jersey, has to do with this -- means,
15 this sentence means to him has no bearing nor should it come
16 in.

17 MR. TANASI: Stewart joins.

18 THE COURT: That's argument. That's not about the
19 admissibility and he's laid a foundation for which tactical
20 training he's received with the FBI to cause him to believe he
21 understands the term "boots on the ground" and he's heard it
22 before and what it means to him. So he can answer the
23 question.

24 Objection overruled.

25 MR. MYHRE: Thank you, Your Honor.

1 BY MR. MYHRE:

2 Q. So what does the term "boots on the ground" mean?

3 A. In general, it means troops or a team arriving at a
4 location at a certain time.

5 Q. Is there an entry above that . . . is there an entry that
6 appears later in time -- excuse me -- that occurs later in time
7 but that is above that entry?

8 A. Yes.

9 Q. And is the date and time reflected on another exhibit?

10 A. Yes, it is.

11 MR. MYHRE: And, Your Honor, may we publish just to
12 the Court, the witness, and counsel Exhibit 300 -- what's been
13 marked as Exhibit -- Government's Exhibit 300?

14 THE COURT: Yes, you may.

15 BY MR. MYHRE:

16 Q. And, Agent Willis, do you have 300 in front of you.

17 A. Yes, I do.

18 Q. And is this a four-page -- excuse me -- five-page
19 document?

20 A. Yes, it is.

21 Q. Does this document contain business records -- Facebook
22 business records for the account associated with Todd Engel
23 from Pages 436 to 440?

24 A. Yes.

25 Q. In general terms, do these reflect Facebook entries?

1 A. Yes.

2 Q. Were these documents obtained during and in the course of
3 executing a search warrant on the business -- excuse me -- the
4 Facebook account of Todd Engel?

5 A. Yes.

6 Q. And was this one of the documents obtained during the
7 course of the search?

8 A. Yes.

9 Q. And do the entries herein pertain to the events of April
10 12, 2014?

11 A. Yes.

12 MR. MYHRE: Your Honor, we offer Exhibit 300.

13 THE COURT: Any objection to Exhibit 300 other than
14 what's already been addressed?

15 MR. TANASI: Nothing additional Stewart, Your Honor.

16 MR. MARCHESE: Same objections, Your Honor.

17 MR. LEVENTHAL: Nothing further, Your Honor.

18 PRO SE ENGEL: Nothing further.

19 MR. PEREZ: Nothing further, Your Honor.

20 MR. JACKSON: No additional objections.

21 THE COURT: All right. Objection [sic] 300 will be
22 admitted.

23 (Government Exhibit 300 received.

24 THE COURT: Do you want to publish it?

25 MR. MYHRE: Yes, Your Honor. Thank you.

1 BY MR. MYHRE:

2 Q. Turning to the last page of Exhibit 300, do you see a --
3 an entry at the very bottom of that page, Agent Willis?

4 A. Yes, I do.

5 Q. What is the date and time of that entry?

6 A. It's at approximately 4:49 p.m. on April 11, 2014.

7 Q. And is that the date and time that was reflected in the
8 entry of Exhibit 302?

9 A. Yes.

10 MR. MYHRE: So if we may, Your Honor, turn back to
11 302 and we'll cover that comment.

12 THE COURT: Just a minute. What was the date that
13 you said? I don't think the date you said and the date I saw
14 were the same, but I may have misunderstood.

15 MR. MYHRE: Sure. The -- going back to --

16 THE COURT: I thought he said April 14th, but I saw
17 April 11th.

18 THE WITNESS: I -- I might have said that.

19 BY MR. MYHRE:

20 Q. Well, what is the date, the date and time reflected there?

21 A. The correct date and time is 4 -- approximately 4:49 p.m.
22 on April 11th, 2014.

23 THE COURT: Okay. Thank you.

24 BY MR. MYHRE:

25 Q. Now turning to Exhibit 302, does that date and time that

1 you've just read correspond to this comment at the very top of
2 Page 302?

3 A. Yes, it does.

4 Q. What type of activity is reflected there?

5 A. Comments.

6 Q. Does it reflect what is being commented upon?

7 A. Yes. Todd Engel commented on a post.

8 Q. Is there -- is the comment depicted within quotations?

9 A. Yes.

10 Q. According to the Facebook account, who would have made
11 this comment?

12 A. Todd Engel.

13 Q. Could you please read it.

14 A. "500 of my thousand mile drive completed. ETA 4:00 a.m."

15 Q. Do you have an understanding of what "ETA" stands for?

16 A. Yes.

17 Q. What does it stand for?

18 A. "Estimated time of arrival."

19 Q. Okay. Now to -- back to Exhibit 300. Moving up from that
20 bottom entry, what is the next entry in time?

21 A. That would be approximately 6:37 p.m. on April 11th, 2014.

22 Q. What is the activity reflected?

23 A. Comments.

24 Q. Is the comment delineated or -- excuse me -- depicted in
25 quotations?

1 A. Yes.

2 Q. And what is the comment -- how does the comment read?

3 A. Todd Engel commented on a link in quotations. "ETA
4 4:00 a.m."

5 Q. Is there another entry later in time above that?

6 A. Yes.

7 Q. What is the date and time of that entry?

8 A. That is approximately 7:16 p.m. on April 11th, 2014.

9 Q. The activity that's indicated?

10 A. It is comments.

11 Q. And is there -- does it indicate what's being commented
12 upon?

13 A. Yes. Todd Engel commented on a post.

14 Q. And please read the comment.

15 A. In single quotations, it is, 'I'll be rolling in around
16 4:00 a.m. What do you recommend?'

17 Q. And is there an entry above that?

18 A. Yes.

19 Q. What is the time of that?

20 A. That is at approximately 7:29 p.m. on April 11th, 2014.

21 Q. Is this also a comment?

22 A. Yes.

23 Q. Is this a comment made by the account holder?

24 A. Yes.

25 Q. How does the comment read?

1 A. Todd Engel commented on a post. In single quotations, 'I
2 need to know where they are.'

3 Q. Were you able to ascertain the post that's being commented
4 upon?

5 A. No, I was not.

6 Q. Going to Page 4 of the document, indicated as Page 439.
7 At the very bottom of that page, is there a later-in-time entry
8 reflected there?

9 A. Yes.

10 Q. Is this also a comment?

11 A. Yes, it is.

12 Q. The time of this one?

13 A. This would be approximately 7:34 p.m. on April 11th, 2014.

14 Q. Is this a comment on a post?

15 A. Yes, it is.

16 Q. What does the comment read?

17 A. "Directions?"

18 Q. Is there any punctuation after that?

19 A. Directions, question mark.

20 Q. And the entry above that, does that occur later in time?

21 A. Yes.

22 Q. Is that also a comment to a post?

23 A. Yes, it is.

24 Q. Approximately what time, local Nevada?

25 A. At approximately 8:13 p.m. on April 11, 2014.

1 Q. Is the comment indicated in quotation?

2 A. Yes, it is.

3 Q. Could you read the comment, please.

4 A. "So this is confirmed? What road/location are the
5 roadblocks?"

6 Q. Moving above that entry, we see an entry for a "like"; is
7 that correct?

8 A. Yes, that is.

9 Q. And what is indicated as being liked?

10 A. Todd Engel likes Bundy ranch.

11 Q. Moving above that activity, is there a comment reflected
12 on the 12th of April -- excuse me -- on the 11th of April,
13 2014, above that one?

14 A. Yes.

15 Q. What is the approximate time of that entry?

16 A. The approximate time would be 9:56 p.m. on April 11, 2014.

17 Q. Is this also a comment?

18 A. Yes, it is.

19 Q. And it's commenting on a status?

20 A. Yes.

21 Q. The comments are indicated in quotations?

22 A. Yes.

23 Q. Please read the comment.

24 A. "Are there fed roadblocks? I'll be there in five hours.
25 I won't take lightly to an illegal search. Please advise."

1 Q. Based on your investigation, do you know what he's
2 commenting upon here?

3 A. He's commenting on rumors that the BLM or another law
4 enforcement agency had set up roadblocks somewhere in between
5 wherever he was traveling from and the Bundy ranch.

6 Q. In the course of your investigation, did you find evidence
7 of any roadblocks?

8 A. No.

9 Q. Moving later in time but above that entry, what is the
10 next entry reflected?

11 A. It -- Todd Engel commented on a status.

12 Q. And is that status also delineated in quotation marks?

13 A. Yes.

14 Q. What is the approximate time of that comment?

15 A. At approximately 8:07 -- I'm sorry. 6:07 a.m. on April
16 12, 2014.

17 Q. And what is the comment?

18 A. "Stephanie, we're going to need supplies to live in the
19 desert, i.e., water, outhouses, fuel, batteries for continuous
20 night vision use. And the list goes on and on. Oath Keepers
21 are asking for financial assistance and we're going to need it
22 also. Thank you."

23 Q. During the course of your investigation, did you adduce
24 any evidence of indicia of Oath Keepers at the -- either at the
25 rally site or at the area of the wash?

1 A. Yes.

2 Q. Turning to the rally site, what type of indicia of Oath
3 Keeper presence were you able to ascertain?

4 A. There were banners up --

5 MR. JACKSON: Objection. Irrelevant as to my client,
6 Burleson.

7 MR. MYHRE: It's just referencing, Your Honor, the
8 term "Oath Keepers" within the comment itself and showing the
9 relevance and the connection to the events of April 12th.

10 THE COURT: I'm not sure what you're saying. The
11 relevance is . . .

12 MR. MYHRE: Whether there was an Oath Keeper indicia
13 or presence at the events of April 12, specifically the rally.

14 THE COURT: So it goes to the veracity of the
15 statements?

16 MR. MYHRE: It goes to the veracity statement.
17 Corroborates the statements.

18 THE COURT: All right. Objection overruled.

19 BY MR. MYHRE:

20 Q. Were there any indicia of Oath Keepers at the rally
21 site -- excuse me -- at the stage area on April 12, 2014?

22 A. Yes.

23 Q. What were those indicia?

24 A. Banners.

25 Q. Turning to the next comment -- later in time but above

1 that one -- is this a comment on a photo?

2 A. Yes.

3 Q. Is this a comment by the account holder?

4 A. Yes.

5 Q. What's the approximate date and time of this entry?

6 A. This is made at approximately 6:29 a.m. on April 12, 2014.

7 Q. And what is the comment?

8 A. "Facts. Air space closed. Cell towers working. Malitia
9 mobilizing peacefully. No guard units mobilizing. 9:00 a.m.
10 meeting with sheriff and Cliven."

11 Q. And, during the course of your investigation, was there a
12 meeting with Cliven Bundy and the sheriff of Clark County?

13 A. Yes.

14 Q. And when did that occur, approximately?

15 A. Approximately 9:00 a.m.

16 Q. Turning to the next entry on the previous page, which
17 would be Page 3 of this exhibit, starting at the bottom, is
18 this a comment later in time from the previous one?

19 A. Yes.

20 Q. Approximately what time?

21 A. Approximately 1:53 -- I'm sorry. Excuse me.

22 Approximately 11:53 a.m. on April 12, 2014.

23 Q. Is this before or after Cliven Bundy's speech on the stage
24 to tell people to get their cattle -- to get his cattle?

25 A. After.

1 Q. What is the comment?

2 A. "BLM has backed down. Cowboys are retrieving cattle from
3 BLM compound. I'm on location."

4 Q. Is there a comment following that one later in time in the
5 entry above it?

6 A. Yes.

7 Q. What is the approximate time for this entry?

8 A. And I'm also going to have to correct my last time. The
9 last comment was made at 1:53 p.m. on April 12, 2014. This
10 one -- this following comment above that one was made 31
11 seconds afterwards, again, on April 12, 2014. "Very, very
12 tense for about a half an hour."

13 Q. So this comment and the one below it refer to -- strike
14 that.

15 When were the -- when did BLM evacuate the ICP again?

16 A. Approximately 2:00 p.m.

17 Q. And approximately what time did they back away from the
18 Post 2 gate area?

19 A. Between 1:30, 1:45 p.m.

20 Q. Or about 12:00 -- 12:40?

21 A. Yeah. I'm sorry. Not 1 -- 1:30, 1:45; 12:30, 12:45.
22 That time frame.

23 Q. When it was backed away?

24 A. Yes.

25 Q. And there was the interval between 12:40 and approximately

1 2 o'clock?

2 A. Yes.

3 Q. What was occurring?

4 A. The BLM were hooking up trailers, packing up what they
5 could, and preparing to de-mobilize out of the Bunkerville ICP
6 area.

7 Q. Is there another entry later in time above that one?

8 A. Yes.

9 Q. Approximately what time?

10 A. At 1 -- approximately 1:54 p.m. on April 12, 2014.

11 Q. And what is the comment?

12 A. "Snipers pointing guns at us. Drones, chopper, BLM SWAT
13 team. We win!"

14 Q. And is "we win" written in all capital letters?

15 A. Yes.

16 Q. And is there a punctuation mark after that?

17 A. Yes, there is.

18 Q. What is it?

19 A. Exclamation mark.

20 Q. And, turning to the comment above that, is that -- does
21 that occur later in time?

22 A. Yes, it does.

23 Q. By about three minutes?

24 A. Yes.

25 Q. What is that comment?

1 A. "I-15 is a disaster."

2 Q. And, turning to the second page of the document, is there
3 a comment there that occurs about a day later?

4 A. Yes.

5 Q. And approximately what time?

6 A. At approximately 1:58 p.m. on April 13, 2014.

7 Q. What does this comment relate to?

8 A. Todd Engel commented on a photo.

9 Q. Have you been able to ascertain or collect that photo in
10 the course of your investigation?

11 A. No.

12 Q. Is a comment indicated in quotation marks?

13 A. Yes.

14 Q. Would you read this comment, please.

15 A. "We're not backing down. We're currently looking for
16 BLM's new location to see if they're staging to return.
17 Malitia arriving hourly from all over the country."

18 Q. Would this comment have been written at a point after the
19 time that the BLM had left the ICP?

20 A. Yes.

21 Q. Is there a comment above that that occurs about half an
22 hour later in time?

23 A. Yes.

24 Q. Is that comment made by Todd Engel?

25 A. Yes.

1 Q. What does this comment relate to? Does it relate to a
2 post?

3 A. Yes. Todd Engel commented on a post.

4 Q. And this would have been a post on someone else's Facebook
5 page or on his Facebook page?

6 A. On someone else's Facebook page.

7 Q. What is the comment?

8 A. "We are still here and adding to our numbers hourly. They
9 better rethink their acts of aggression as we will continue to
10 respond in larger numbers."

11 Q. Were you able to ascertain on what Facebook page this
12 comment appeared?

13 A. No.

14 Q. Is there a comment above that entry later in time?

15 A. Yes.

16 Q. What is the time for this entry?

17 A. This would have been at approximately 8:37 on April 13,
18 2014.

19 Q. Is this also a comment on a post?

20 A. Yes.

21 Q. Is the comment indicated in quotation marks?

22 A. Yes.

23 Q. Is that associated with -- and is this a comment made by
24 Todd Engel?

25 A. Yes, it is.

1 Q. Please read that comment.

2 A. "I left about an hour ago. 20 malitia on site and 50
3 others, including news crews. It's over! We won!"

4 Q. And is there punctuation situation following "it's over!
5 We won!"?

6 A. Yes. Both have exclamation marks after them.

7 Q. Now, is there a comment and a photo posted later in time
8 to this entry that we've just read?

9 A. Yes.

10 Q. And is it about roughly 10 hours later?

11 A. Yes.

12 Q. Is the comment indicated in quotations?

13 A. Yes, it is.

14 Q. And is this a comment to a photo?

15 A. Yes, it is.

16 Q. Have you been able to ascertain that photo during the
17 course of your investigation?

18 A. No, I have not.

19 Q. What does this comment read? Or how does this comment
20 read? Excuse me.

21 A. "What you don't see is there was another 150 of us with
22 guns behind those cowboys."

23 Q. Moving to the next entry above that, does that occur later
24 in time to the entry you just read?

25 A. Yes, it does.

1 Q. And approximately what time was this entry made?

2 A. Approximately 6:17 p.m. on April 14, 2014.

3 Q. Is this a comment on a link?

4 A. Yes, it is.

5 Q. Were you able to find the link during the course of your
6 investigation?

7 A. No, I did not.

8 Q. Is the comment indicated in quotations?

9 A. Yes, it is.

10 Q. Would you please read the comment.

11 A. "I have not received a call or a text from the Bundys
12 stating anything other than it's calm and quiet. Metro PD is
13 patrolling and says there is no threat currently."

14 Q. Turning to Page 1 of the document at the bottom, is there
15 a -- an entry reflected here that occurs later in time to the
16 one we just read?

17 A. Yes.

18 Q. And is that approximately 30 minutes or so later in time?

19 A. Yes.

20 Q. Is this also a comment?

21 A. Yes.

22 Q. Is it a comment on a status?

23 A. Yes.

24 Q. Is that a status on his Facebook page or someone else's?

25 Or can you tell?

1 A. I cannot tell.

2 Q. Can you tell whether this -- the comment that's indicated
3 in quotations is attributable to the account holder for this
4 Facebook account?

5 A. Yes.

6 Q. What does that comment read -- or how does that comment
7 read?

8 A. "Everybody please stop with the rumors. At this time
9 there is no threat. Two hours ago I talked to Metro PD and
10 they said" -- "said" -- sorry -- "and they stated there was no
11 threat and there was not one BLM law enforcement official in
12 the state of Nevada. They are nervous about even getting the
13 equipment out of their compound. Please stop rumors. There is
14 no threat at this time. If the threat escalates, I will let
15 you know. I will receive texts and e-mails stating the threat
16 level is rising. I will let you know at that time. All is
17 calm here."

18 Q. Based on your investigation and based on the context, do
19 you have an understanding from this comment what is being
20 referred to by "threat level"?

21 A. The fear that the BLM would return --

22 MR. LEVENTHAL: Objection. Hearsay. Foundation.

23 MR. MARCHESE: Parker joins.

24 THE COURT: Mr. Myhre?

25 MR. MYHRE: Just in general terms, Your Honor, what

1 the agent's understanding of this term "threat level" means in
2 the context of this post.

3 MR. LEVENTHAL: Still foundation.

4 MR. MYHRE: His understanding.

5 THE COURT: But his understanding based on what?

6 MR. MYHRE: Based on his investigation of this case.

7 THE COURT: Did he see this term used somewhere else?

8 BY MR. MYHRE:

9 Q. Have you seen this term used elsewhere in other contexts?

10 A. Yes.

11 Q. And would those be contexts where other Facebook users are
12 commenting?

13 A. Yes.

14 Q. Based on your investigation, was there a time when there
15 was discussion among Facebook users about the potential for BLM
16 coming back to the area?

17 MR. JACKSON: I'm going to object.

18 MR. LEVENTHAL: Leading.

19 MR. JACKSON: It calls for hearsay.

20 MR. LEVENTHAL: Object. Leading.

21 MR. JACKSON: We don't know who the other Facebook
22 users are. He's soliciting hearsay to bring in irrelevant
23 information that has no bearing on this case. It's --

24 THE COURT: If you object on foundation --

25 MR. JACKSON: Yes.

1 THE COURT: -- he has the right to ask foundational
2 questions. So objection overruled. He can answer the
3 question.

4 MR. JACKSON: I object on relevance as well.

5 MR. PEREZ: And speculation, Your Honor.

6 THE COURT: Well, the relevance is to how he knows
7 what "threat level" means or why he thinks that he knows what
8 "threat level" refers to.

9 He can answer the question. You might have to
10 restate it now.

11 MR. MYHRE: Thank -- thank you, Your Honor.

12 BY MR. MYHRE:

13 Q. Based on your investigation, did you review Facebook
14 postings that were publicly available?

15 A. Yes.

16 Q. And did you review -- you reviewed Facebook postings that
17 related to the events of April 12, 2014?

18 A. Yes.

19 Q. In those postings that you read, was there mention made of
20 BLM perhaps returning to that area?

21 A. Yes.

22 MR. LEVENTHAL: Objection. Hearsay.

23 MR. MYHRE: Just in general terms, Your Honor.

24 THE COURT: Overruled. He can answer the question.

25 THE WITNESS: Yes.

1 BY MR. MYHRE:

2 Q. What was the concern?

3 A. That the BLM would return to . . . retrieve the cattle and
4 the rest of their equipment and possibly attack the area of
5 Bunkerville.

6 Q. Was that area referred to in the chatter that you reviewed
7 within Facebook as a "threat"?

8 A. Yes.

9 Q. Was there ever reference made to a "threat level"?

10 A. Yes.

11 Q. And in these -- in these contexts, the Facebook postings
12 that you reviewed, what did "threat level" refer to?

13 A. The level of fear or . . . the likelihood that the BLM
14 would return to the Bunkerville area.

15 Q. There is an entry on Page 1 above the entry we just read;
16 is that correct?

17 A. Yes.

18 Q. Does that occur later in time?

19 A. Yes.

20 Q. Later in time than the previous one we've just read?

21 A. Yes.

22 Q. And what is the approximate date and time?

23 A. At approximately 9:13 a.m. on April 15, 2014.

24 Q. Is this a comment?

25 A. Yes.

1 Q. Is -- is this a comment pertaining to a link?

2 A. Yes.

3 Q. During the course of your investigation, were you able to
4 adduce the link?

5 A. No, I was not.

6 Q. Is the comment, however, reflected in quotations?

7 A. Yes, it is.

8 Q. Is it associated with the account holder?

9 A. Yes.

10 Q. Would you please read the comment.

11 MR. JACKSON: I'm going to object to the comment at
12 this time. The link, I think, has no relevance to the facts of
13 this case. Mr. Engel's comment has no relevance to my client
14 and I'd object to it. Commenting on a link is a First
15 Amendment right, but it has nothing to do with my client. And
16 I would object and urge the Court to -- that it's more
17 prejudicial than probative as to my client, whatever Mr. Engel
18 might have said commenting on a link on Facebook made by
19 someone else.

20 THE COURT: Okay. This is a 801(d)(2)(E)?

21 MR. MYHRE: Yes, Your Honor, 801(d)(2)(E).

22 THE COURT: All right. Objection overruled on that
23 basis. Not overly prejudicial. Probative effect -- value is
24 higher.

25 MR. MYHRE: May he read the link, Your Honor?

1 THE COURT: Yes.

2 MR. MYHRE: Or -- excuse me -- the comment?

3 BY MR. MYHRE:

4 Q. Please read the comment indicated.

5 A. "Thank you" -- "Thank you, Mark, for the link to that
6 article. It is well written, thought out, and concise. I was
7 there for the entire event as it unfolded and enjoyed watching
8 our Leviathan back down from an armed citizenry. It's a shame
9 that has come to that as it was a shame that it came to that in
10 Concord and Lexington. No one desires bloodshed but if there
11 is to be bloodshed, let it be on our watch and not our
12 children's. It's so sad that the ballot box and the soap box
13 have failed us and now we have to resort to the ammo box, but
14 it is what the feds understand."

15 Q. Based on the investigation you've conducted in this case,
16 the context of this post within the -- your investigation, do
17 you have an understanding of what is meant by the term
18 "Leviathan"?

19 MR. LEVENTHAL: Objection. Foundation. Hearsay.

20 MR. TANASI: Stewart joins.

21 MR. MARCHESE: Parker joins.

22 THE COURT: What was the term that you're asking
23 about? "Leviathan"?

24 MR. MYHRE: "Leviathan."

25 THE COURT: All right. Well, again, you need to lay

1 a foundation for why he would know --

2 MR. MYHRE: I'll move on, Your Honor.

3 THE COURT: -- what that means or why he thinks he
4 knows or just move on.

5 MR. MYHRE: I'll just move on, Your Honor, to the
6 next comment.

7 BY MR. MYHRE:

8 Q. Is there another comment that occurs later in time?

9 A. Yes.

10 Q. Is this a comment on a link?

11 A. Yes.

12 Q. Was this comment made by the person associated with this
13 Facebook account, Todd Engel?

14 A. Yes, it was.

15 Q. And have you been able to ascertain the link during the
16 course of your investigation?

17 A. No.

18 Q. Approximate time and date for this entry?

19 A. Approximately 11:22 a.m. on April 15, 2014.

20 Q. Would you read the comment, please.

21 A. "Will all of you gentlemen gave me aid and refuge if the
22 feds swear warrants against me for standing against them
23 Saturday or will you say I'm too much of a risk to your family
24 and livelihood. Tough question, guys."

25 Q. And, again, the events of April 12 occurred on a Saturday;

1 correct?

2 A. Correct.

3 Q. Now, during the course of your investigation, were you
4 able to -- or did you . . . investigate the public-source
5 comments of Todd Engel?

6 A. Yes.

7 Q. And these were open source; correct?

8 A. Yes.

9 Q. And, during the course of your investigation, did you
10 discover a video posted by Mr. Engel?

11 A. Yes.

12 Q. When was that -- was that video posted early in 2016?

13 A. Yes.

14 MR. MYHRE: Your Honor, may we draw up Exhibit 300 --
15 excuse me -- 303 for the Court, counsel, and the witness?

16 THE COURT: Yes.

17 This is -- there's multiple parts to this, isn't
18 there? A through E?

19 MR. MYHRE: It's 303, Your Honor. I'm sorry.

20 THE COURT: Yes. There's A, B, C, D, and E to 303.

21 MR. MYHRE: Oh, yes. I'm sorry, Your Honor. That's
22 correct. A, B, C, D, and E. There are five segments to 303.

23 THE COURT: Are you doing one at a time or are you
24 showing them all?

25 MR. MYHRE: I would like to admit the exhibit and

1 then show the cuts sequentially.

2 THE COURT: Okay. That's fine.

3 MR. MYHRE: So you could stop the video there.

4 BY MR. MYHRE:

5 Q. You've seen this video outside the courtroom; correct?

6 A. Yes.

7 Q. What is depicted in this video?

8 A. Todd Engel standing on what appears to be a porch area in
9 a wooded area.

10 Q. You recognize his image?

11 A. Yes, I do.

12 Q. Approximately when was -- did you capture this particular
13 video?

14 A. On January 10th, 2016.

15 Q. Was that during a search that you were conducting of open
16 source?

17 A. Yes.

18 Q. When you captured the video, how did you do that?

19 A. Using the Internet and Facebook.com. On the Facebook
20 account for Todd Engel, I right-clicked on the video and there
21 was a option to download it and I downloaded it.

22 Q. And is this a fair and accurate depiction of what you
23 downloaded in January of 2016?

24 A. Yes.

25 Q. And, in this -- in this video, does Mr. Engel comment upon

1 the events at Bundy ranch?

2 A. Yes.

3 MR. MYHRE: Your Honor, we offer Exhibit 303A, B, C,
4 D, and E.

5 THE COURT: Any objection to Exhibits 303A through E
6 other than what the Court has already addressed?

7 MR. MARCHESE: Nothing new from Parker.

8 MR. TANASI: Nothing new from Stewart. Just to be
9 clear, I would add hearsay.

10 MR. LEVENTHAL: Nothing new from Drexler. Thank you.

11 PRO SE ENGEL: Nothing new from Engel.

12 MR. PEREZ: Nothing further from Lovelien.

13 MR. JACKSON: Same objections that I've made. No
14 other objections.

15 THE COURT: All right. Exhibit 303A through E will
16 be admitted. Same ruling as before.

17 (Government Exhibit 303A through E received.)

18 MR. MYHRE: May we publish, Your Honor?

19 THE COURT: Yes, you may.

20 MR. MYHRE: And starting with 303A, please.

21 (Video played.)

22 BY MR. MYHRE:

23 Q. And that segment, Agent Willis, do you recognize or do you
24 see the background in this video; is that correct?

25 A. Yes.

1 Q. Do you have an understanding, based on your investigation,
2 what that is depicted in the background?

3 A. Yes. This is an area surrounding or near Todd Engel's
4 cabin which he had posted numerous photographs of on his public
5 Facebook page.

6 Q. And that was his image that appeared in segment A;
7 correct?

8 A. Yes.

9 MR. MYHRE: May we continue with 303B, please.

10 (Video played.)

11 BY MR. MYHRE:

12 Q. So, in both these last segments, segment A and segment B,
13 does Mr. Engel make reference to Dan Love?

14 A. Yes.

15 Q. And Dan Love was whom?

16 A. A BLM special agent in charge.

17 Q. Special agent in charge of what?

18 A. The cattle impoundment operation in April 12, 2014, in
19 Bunkerville.

20 MR. MYHRE: And may we public -- excuse me -- may we
21 publish 303C.

22 (Video played.)

23 BY MR. MYHRE:

24 Q. During your investigation, do you -- is it possible to
25 discern how many people would have viewed this particular post?

1 A. At this time, I don't recall viewing that information.

2 Q. Was -- was this -- this was, however, viewable to you?

3 A. Yes, it was.

4 Q. So the privacy settings for that account did not prevent
5 you from accessing this video?

6 A. Correct.

7 MR. MYHRE: Continuing with 303D, please.

8 (Video played.)

9 BY MR. MYHRE:

10 Q. In this video and in the previous two clips, does it
11 appear that Mr. Engel's reading from something?

12 A. Yes.

13 Q. What is he -- what is he reading from?

14 MR. LEVENTHAL: Objection. Calls for speculation.

15 BY MR. MYHRE:

16 Q. From what you could observe on the video.

17 A. A piece of paper.

18 MR. MYHRE: And continuing with 303E, please.

19 (Video played.)

20 BY MR. MYHRE:

21 Q. Now, Agent Willis, the Indictment in this case was
22 returned approximately when?

23 A. March 2nd of 2016.

24 Q. And were arrest warrants obtained from the Indictment?

25 A. Yes.

1 Q. And were arrests effected on the defendants named on the
2 Indictment?

3 A. Yes.

4 MR. LEVENTHAL: Objection. What's the relevance?

5 MR. MYHRE: Your Honor, we -- we addressed the
6 relevance in our previous hearing.

7 THE COURT: We did.

8 BY MR. MYHRE:

9 Q. Were arrest warrants issued from the Indictment?

10 A. Yes.

11 Q. And were arrests made on the Indictment?

12 A. Yes.

13 Q. Did that arrest include defendant Engel?

14 A. Yes.

15 Q. Did the arrests also include the other defendants who are
16 in the courtroom today?

17 A. Yes.

18 Q. Were those arrests effected, on what date?

19 A. On March 3rd, 2016.

20 Q. When the arrests were made, was that a matter that was
21 made public?

22 A. No.

23 Q. And why is that, just in general terms?

24 MR. JACKSON: Objection to relevance.

25 MR. MYHRE: We addressed the relevance, Your Honor.

1 MR. JACKSON: It's not --

2 THE COURT: I'll allow -- I'll allow one answer to
3 that.

4 MR. MYHRE: Let me --

5 THE COURT: Overruled.

6 MR. MYHRE: Thank you, Your Honor.

7 I'll withdraw the question.

8 THE COURT: Okay.

9 BY MR. MYHRE:

10 Q. The information was not generally available to the public;
11 is that correct?

12 MR. LEVENTHAL: Objection. Leading.

13 THE COURT: Overruled. He can answer that question.
14 The other question was why wasn't it made public. That, I
15 think, might have got far afield. But whether or not it was a
16 publicly issued announcement that the arrests were going to
17 happen on a certain date or time is relevant for other purposes
18 as heard by the Court previously. So objection overruled.

19 BY MR. MYHRE:

20 Q. Was that information made public?

21 A. No.

22 Q. Now, on March the 3rd, 2009 -- or -- excuse me -- 2016,
23 did you capture a video from Todd Engel's Facebook page?

24 A. Yes, I did.

25 MR. MYHRE: And may we show, Your Honor, to the

1 witness, counsel, and the Court Exhibit 209?

2 THE COURT: Yes, you may.

3 MR. MYHRE: Thank you.

4 BY MR. MYHRE:

5 Q. And you see that image in 209; is that correct?

6 A. Yes, I do.

7 Q. I'm sorry. Did you -- did you get a chance to look at it?

8 A. Yes, I did.

9 Q. And is that the video that you captured on March the 3rd,
10 2016?

11 A. Yes.

12 Q. Does the video indicate an image of Mr. Engel?

13 A. Yes.

14 Q. And what is it that Mr. Engel appears to be doing?

15 A. He appears to be driving a vehicle.

16 Q. Does he make comments during the video?

17 A. Yes.

18 Q. And, from those comments, does it relate to the events of
19 April 12, 2014?

20 A. Yes.

21 MR. MYHRE: And, Your Honor, we offer Exhibit 209.

22 THE COURT: Any other objection to Exhibit 209 other
23 than what's been previously addressed?

24 MR. TANASI: Nothing additional from Stewart,
25 Your Honor.

1 MR. MARCHESE: No, Your Honor, Parker.

2 MR. LEVENTHAL: No, Your Honor. Thank you.

3 PRO SE ENGEL: No, Your Honor.

4 MR. PEREZ: No, Your Honor.

5 MR. JACKSON: Just relevance as to my client.

6 THE COURT: All right. Exhibit 209 will be admitted.

7 (Government Exhibit 209 received.)

8 BY MR. MYHRE:

9 Q. And, just in general terms, Agent Willis, concerning the
10 events of Bundy ranch, does it specifically address the issue
11 of arrests?

12 A. Yes.

13 MR. MYHRE: And may we publish, Your Honor?

14 THE COURT: Yes, you may.

15 (Video played.)

16 MR. MYHRE: And, Your Honor, it's my error. I did
17 not specify. That was 209A. This was in four segments. 209A
18 through 209D. I apologize.

19 THE COURT: All right.

20 MR. MYHRE: Permission to publish 209B?

21 THE COURT: Yes.

22 (Video played.)

23 BY MR. MYHRE:

24 Q. The reference to Eric Parker, was that the same
25 Eric Parker that's a defendant in this case?

1 A. Yes.

2 MR. LEVENTHAL: Objection. Speculation. Hearsay.
3 Foundation.

4 MR. TANASI: Stewart joins, Your Honor.

5 MR. MARCHESE: Parker joins.

6 PRO SE ENGEL: Engel joins.

7 THE COURT: Overruled. He can answer the question.

8 THE WITNESS: Yes.

9 BY MR. MYHRE:

10 Q. And when was his arrest effected?

11 A. On that same day, March 3rd of 2016.

12 MR. MYHRE: Your Honor, may we publish 209C?

13 THE COURT: Yes, you may.

14 (Video played.)

15 BY MR. MYHRE:

16 Q. Agent Willis, can you tell from the video that we've seen
17 thus far what type of device is being used to transmit this
18 information?

19 A. It appears to be a smartphone.

20 Q. Is it possible to -- was this a recorded event or was this
21 occurring as it was being viewed? In other words, was this
22 live or recorded? Or could you tell from your investigation?

23 A. I -- I could not tell.

24 MR. MYHRE: And may we publish Exhibit 209D,
25 Your Honor?

1 THE COURT: Yes, you may.

2 (Video played.)

3 MR. MYHRE: And the record should reflect that
4 concluded with Exhibit 209D.

5 BY MR. MYHRE:

6 Q. During that segment, did Mr. Engel indicate how people
7 would -- how he would communicate with people?

8 A. Yes.

9 Q. What was -- what did he state in that regard?

10 A. That he would communicate if he had heard about any
11 additional arrests or anything so that people could respond
12 accordingly.

13 Q. And how would he communicate, via . . .

14 A. Via Facebook social media.

15 MR. MYHRE: Your Honor, that's -- that's probably a
16 natural break point here.

17 THE COURT: Good idea.

18 MR. MYHRE: Before I move to another area.

19 THE COURT: Let's go ahead and take our lunch break.

20 During this time, I remind the jury that you are not
21 to discuss this case with anyone nor permit anyone to discuss
22 it with you. You may speak to your fellow jurors about other
23 things, what did you do this weekend and so forth, but not
24 about this case.

25 Please do not read, or listen to, or view anything

1 that touches upon this case in any way, and please do not
2 attempt to perform any research or any independent
3 investigation concerning any issues in this case.

4 Finally, please do not form any opinion until after
5 you have heard all the testimony, received the evidence. I
6 will provide to you the written jury instructions of law that
7 will guide you in your deliberation process. Then you will
8 hear closing arguments from all counsel and then you will be
9 excused to begin your deliberation process. During that
10 deliberation process, then you can talk to each other about the
11 case and express your opinions and so forth but not until then.

12 So please enjoy your lunch. It's 12:08. Let's try
13 to be back here by 1:10.

14 We'll stand for the jury and after they exit,
15 Special Agent Willis, then you can take your lunch break.
16 Please be back here by 1:10 so we can continue.

17 THE WITNESS: Okay.

18 (Jury excused from courtroom.)

19 THE COURT: All right. We're off record. Be back
20 here by 1:10.

21 MR. MYHRE: Thank you, Your Honor.

22 (Recess was taken at 12:08 p.m.)

23 COURTROOM ADMINISTRATOR: All rise.

24 THE COURT: All right. Let's go ahead and call in
25 the jury.